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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/801,186	03/16/2004	Steven A. Klein	977.061US1	5135
21186	7590	06/13/2006	EXAMINER	
SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A. P.O. BOX 2938 MINNEAPOLIS, MN 55402			SCHNEIDER, JOSHUA D	
			ART UNIT	PAPER NUMBER
			2182	

DATE MAILED: 06/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/801,186

Applicant(s)

KLEIN, STEVEN A.

Examiner

Joshua D. Schneider

Art Unit

2182

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 and 21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 and 21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/23/2006 has been entered.

### ***Response to Arguments***

2. Applicant's arguments filed 5/23/2006 have been fully considered but they are not persuasive.

3. It is first noted that claim 6 was not amended so these arguments do not apply to that claim.

4. Applicant has argued that McAlear teaches actually physically having the USB ports being used over a network and the present invention's emulation of the USB ports recite that the host computer is linked to a network connecting it to the remote computerized system via a network adapter comprising a part of the host computer. Applicant argues that the host computer as claimed does not require an actual physical USB port or require special-purpose external hardware such as attachment unit to couple local physical ports to a network.

5. These claims are true with regards to several of the computers connected to the network in McAlear, including LAN computers 260, 130, 190, and 215. However, McAlear also teaches a different class of computers that are to be embodied in Fig. 7 as a network device (40).

McAlear teaches that these devices may be a remote computer that is connected either through a

Art Unit: 2182

network or directly to the LAN hub through a network link. These network links are not explained in great detail, but it can be generally shown that the normal operation of network connections known at the time were realized through network adapters and drivers that coupled the host to the remote servers. Accordingly, this argument is found to not be persuasive. No other independent arguments have been presented at this time.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,389,029 to McAlear in further view of How Networks Work by Derfler et al.

8. With regards to claims 1, 6-8, 12-14, 18, 19, and 21, McAlear teaches a remote computerized server having one or more Universal Serial Bus (USB) ports (end hubs, composite end hubs, and other LAN computers, column 19, line 6, through column 20, line 34); and a host computer communicatively coupling the host computer to the remote computerized sever (network device, remote computer, column 20, lines 4-34), wherein the driver emulates the one or more USB ports of the remote computerized server by emulating a corresponding local USB port for each of the one or more USB ports of the remote computerized server (drivers for the network adapter and USB are inherent to network communications and USB devices, as is the loading of these drivers, and emulation of remote ports as being local is inherent, by definition, to networking, column 19, line 6, through column 20, line 34), and exchanges data with the

Art Unit: 2182

remote computerized system driver to emulate one or more of the remote computerized system's USB ports as USB ports local to the host computer (drivers for the network adapter and USB are inherent to network communications and USB devices, emulation of remote ports as being local is inherent, by definition, to networking, column 19, line 6, through column 20, line 34).

McAlear does not explicitly teach the networked host computer comprising a network adapter and a driver to couple to the remote USB emulation servers. However, Derfler teaches that it was well known in the art at the time of invention to use a network adapter and a driver to couple to the remote servers (pages 85-87). It would have been obvious to one of ordinary skill in the art at the time of invention to combine the use of network adapter and a driver to couple to the remote servers of Derfler with the emulated USB servers of McAlear in order to ensure delivery and accuracy when addressing and routing requests over a network.

9. With regards to claim 5, and further regards to claims 7, 8, 12, 14, and 18, McAlear teaches the remote computerized server has a driver executing thereon, operable to communicate data between at least one of its one or more USB ports and the host computer via the network (driver for the network adapter is inherent to network communications).

10. With regards to claims 2, 9, and 15, McAlear teaches the host computer and remote computerized server are connected via a TCP/IP connection (column 24, lines 32-44, and column 25, lines 44-62).

11. With regards to claims 4, 11, and 17, McAlear teaches the host computer driver further comprises an application programming interface (API), by which an application program executing on the host computer is panted control of at least one USB port of a remote

Art Unit: 2182

computerized server, as if the USB ports of the remote computerized server were local to the host computer (column 2, lines 21-30).

12. With regards to claims 3, 10, and 16, McAlear fails to explicitly teach the host computer and remote computerized server are connected via a secure connection. However, it is notoriously well known in the art that secure connections are desired to maintain device integrity. SSL is one notoriously well known tool used over network to provide data security. It would have been obvious to one of ordinary skill in the art at the time of invention to use a secure connection protocol, such as SSL, with the networked USB devices of McAlear in order to maintain device integrity.

### *Conclusion*

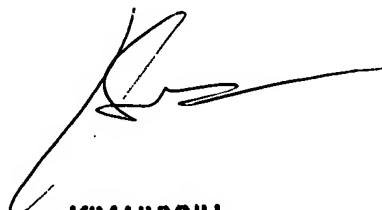
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua D. Schneider whose telephone number is (571) 272-4158. The examiner can normally be reached on M-F, 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Huynh can be reached on (571) 272-4147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2182

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JDS



**KIM HUYNH**  
**SUPERVISORY PATENT EXAMINER**

6/9/06